

REMARKS

Upon entry of this Amendment, claims 1-10, 26-43, 60-66, and 72-78 are pending and under current examination. In the Office Action¹ mailed October 29, 2008 (hereinafter, "Office Action"), the Examiner rejected claims 60-66 and 72-78 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and rejected claims 1-10 and 26-43 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse the above rejections for reasons presented as follows.

Rejection of Claims 60-66 and 72-78 under 35 U.S.C. § 112, 2nd Paragraph:

The Office Action alleged that "the word 'means' is preceded by the words 'presenting', 'activating', 'notifying', etc." in claims 60-66 and 72-78. Office Action, p. 2 (emphasis added). Applicants respectfully disagree. Applicants point out that the allegation in the Office Action is a factual misstatement of the claim language. That is, the word "means" is not preceded by the words "presenting", "activating", "notifying", etc. The claims recite, for example, "means for presenting ...", "means for activating ...", "means for notifying ...", etc. and the words "presenting", "activating", "notifying", etc. clearly have functional connotations. As such, the rejection of claims 60-66 and 72-78 under 35 U.S.C. § 112, second paragraph is improper for at least this reason. Applicants therefore respectfully request its withdrawal.

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

Rejection of Claims 1-10 and 26-43 under 35 U.S.C. § 101:

The Office Action asserts that claims 1-10 and 26-43 are directed to non-statutory subject matter. See Office Action, p. 3. In response to this rejection, and without conceding to the Office Action's assertions regarding alleged non-statutory matter, Applicants have amended claims 1 and 26 to recite a method tied to a particular machine, namely, a computer, wherein various operations are performed. Applicants have amended claim 34 to recite a solid computer-readable medium, which is clearly a statutory "manufacture" under 35 U.S.C. § 101. See M.P.E.P. § 2106.01. Applicants submit that the amendments overcome the 35 U.S.C. § 101 rejection, and independent claims 1, 26, and 34 are therefore allowable. Dependent claims 2-10, 27-33, and 35-43 are also allowable, at least by virtue of their dependence from the independent claims 1, 26, and 34, respectively. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 101 rejection.

Conclusion:

Given that the Office Action does not raise any rejections on the basis of prior art, Applicants assume that there are no valid prior art grounds for rejecting the claims (in accordance with M.P.E.P. § 707.07(g)), and that the claims are allowable over the prior art of record.

In view of the foregoing amendments and remarks, Applicants respectfully request entry of this Amendment, reconsideration of the application, and timely allowance of pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: William J. Brogan
William J. Brogan
Reg. No. 43,515